

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No. 6724 of 2002

ORDER:

The relief sought for in this Writ Petition is to direct the respondents to settle the pension and pensionary benefits with consequential benefits with interest at 18% p.a.

The petitioner joined as a mechanic on 04.10.1960 in the respondent-Corporation and retired on 31.10.1998. It is his case that he is a member of the Family Pension Scheme (FPS), and his provident fund contribution was being deducted from his salary every month. It is his case that, under the FPS, option was given to employees who had joined prior to 1971 to opt to be a member of FPS and, in case no such option was exercised, they would automatically become members of the FPS.

The petitioner filed W.P.No.3245 of 2000 and this Court, by order dated 01.03.2000, disposed of the Writ Petition directing the respondents to consider his representation and pass appropriate orders in accordance with law. Thereafter a letter dated 31.03.2000 was issued to the petitioner informing him that he had not opted for FPS, 1971 when it came into force i.e. from 01.03.1971; there was a provision, in terms of para 2(7) of the Employees Provident Fund Scheme, 1972, to exercise option to join the scheme from the date of exit from employment; and, as he did not opt either for FPS, 1971 or FPS, 1995, he was not eligible for pension under the pension scheme.

No counter affidavit has been filed on behalf of the respondent-Corporation. However Sri K.Satyanarayana Murthy, Learned Standing Counsel for the respondent-Corporation, would submit that the Corporation is ready and willing to extend, to the petitioner, the benefit of FPS from the date of his retirement on condition that he would deposit arrears of FPS contribution with interest from 01.03.1971 to 16.11.1995.

Sri M.V.Rajaram, Learned Counsel for the petitioner, would

submit that the petitioner is ready and willing to deposit the said amount within three months from today.

The Writ Petition is, therefore, disposed of directing the respondent-Corporation to furnish a statement to the petitioner, of the amount payable by him with interest, within a period of three weeks from the date of receipt of a copy of this order. On receipt of the said statement, the petitioner shall deposit the arrears with interest within three months thereafter. The respondent-Corporation shall, within one month from the date of deposit of arrears with interest, extend to the petitioner the benefit of FPS from the date of his retirement from service. No costs.

RAMESH RANGANATHAN,J

Date:24.02.2011

Note:Furnish copy within one week.

bo
usd